

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JAMES BOLDEN,

Plaintiff,

v.

STEVE WILSON, et al.,

Defendants.

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Case No. 4:04CV954 FRB

**ORDER**

Presently pending before the Court is defendants Steve Wilson, Sean Johnson and Unknown Haulk's Motion for Sanctions [Doc. #34]. All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

In this Court's Case Management Order entered May 18, 2005, plaintiff was ordered, inter alia, to "submit to counsel for defendant(s) a list, including addresses, of all persons having knowledge or information of the facts giving rise to plaintiff's claim," and to "submit to counsel for defendant(s), or make available for inspection by counsel for defendant(s), all documents that plaintiff believes mention, relate to, or in any way support plaintiff's claim." Plaintiff was ordered to make such disclosures not later than June 17, 2005. The parties were cautioned that failure to make these disclosures "may result in the imposition of sanctions, including dismissal[.]"

On July 14, 2005, defendants filed a Motion to Compel Disclosure averring that plaintiff failed to make the disclosure as required by the Court's Case Management Order. Plaintiff did not respond to this motion. In an Order entered July 28, 2005, plaintiff was ordered to comply with this Court's Case Management Order relating to disclosure not later than August 11, 2005. Plaintiff was cautioned that failure to timely comply could result in the imposition of sanctions, including dismissal

of this cause of action without prejudice for failure to prosecute and failure to comply with Orders of the Court.

On August 17, 2005, defendants filed the instant Motion for Sanctions in which they aver that plaintiff has continued to fail to provide the disclosures as required by the Case Management Order in contravention of this Court's Order of July 28, 2005. The Court thereafter ordered plaintiff to show cause why defendants' motion should not be granted and why this cause should not be dismissed. In apparent response to this Order, plaintiff filed a "Request for Continuance to Comply with Discovery" on August 29, 2005, arguing that he currently has no access to a law library or to legal counsel. As aptly noted by defendants, however, the initial disclosure plaintiff was ordered to produce does not require plaintiff to visit a law library or to have access to counsel.

Defendants contend that they have been prejudiced by plaintiff's failure to comply with this Court's Orders inasmuch as without plaintiff's initial disclosures, they are unable to adequately prepare a defense to plaintiff's claims and are unable to comply with the specific deadline set out in this Court's Case Management Order that all discovery be completed by September 30, 2005. Given the plaintiff's repeated failure to comply with Orders of the Court, the prejudice demonstrated by defendants on account of such failure, and the absence of good cause for such failure, plaintiff's cause of action should be dismissed for failure to prosecute and failure to comply with Court Orders. See Mann v. Lewis, 108 F.3d 145, 147 (8th Cir. 1997).

Accordingly,

**IT IS HEREBY ORDERED** that defendants Steve Wilson, Sean Johnson and Unknown Haulk's Motion for Sanctions [Doc. #34] is **GRANTED**.

**IT IS FURTHER ORDERED** that this cause is hereby **DISMISSED WITHOUT PREJUDICE** for plaintiff's failure to prosecute and failure to comply with Court Orders.

**IT IS FURTHER ORDERED** that all motions which remain pending in this cause are  
**DENIED AS MOOT.**

Dated this 30th day of September, 2005.

A handwritten signature in cursive script, reading "Frederick R. Buckles", is written over a horizontal line.

FREDERICK R. BUCKLES  
UNITED STATES MAGISTRATE JUDGE